

At the Regular Meeting of the Greenville County Board of Supervisors, held on Monday, November 2, 2015, with Closed Session beginning at the 5:00 P.M. and Regular Session beginning at 6:00 P.M., at the Greenville County Government Building, 1781 Greenville County Circle, Emporia, Virginia.

Present Peggy R. Wiley, Chairman
 Michael W. Ferguson, Vice-Chairman
 James C. Vaughan
 Dr. Margaret T. Lee

Chairman Wiley called the meeting to order at 5:00 p.m.

In Re: Closed Session

Mr. Whittington, County Administrator, stated that Staff recommended the Board go into Closed Session, Section 2.2-3711 (a) 1) Personnel, 5) Industrial Development and 7) Legal Matters.

Supervisor Ferguson moved, seconded by Supervisor Lee, to go into Closed Session, as recommended by Staff. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Regular Session

Mr. Whittington stated that Staff recommended the Board of Supervisors return to Regular Session.

Supervisor Lee moved, seconded by Supervisor Vaughan, to go into Regular Session. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Certification of Closed Meeting – Resolution #16-59

Supervisor Ferguson moved, seconded by Supervisor Lee, to adopt the following Resolution. A roll call vote was taken, as follows: Supervisor Ferguson, aye; Supervisor Lee, aye; Supervisor Vaughan, aye and Chairman Wiley, aye.

RESOLUTION #16-59
CERTIFICATION OF CLOSED MEETING

WHEREAS, the Greenville County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Greenville County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law:

NOW, THEREFORE, BE IT RESOLVED that the Greenville County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Greenville County Board of Supervisors.

Chairman Wiley recessed the meeting until after the Conclusion of the Water and Sewer Authority Meeting.

Chairman Wiley reconvened the meeting at 6:00 p.m. in Regular Session.

In Re: Approval of Agenda

Mr. Whittington stated that Staff recommended approval of the agenda with one added item in Closed Meeting – an Industrial Development Matter.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve the Agenda as amended. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Approval of Consent Agenda

Mr. Whittington stated that Staff recommended approval of the Consent Agenda.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve the Consent Agenda containing the following items. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

Minutes from the Meeting of October 19, 2015.

Warrants:

Approval of Accounts Payable for November 2, 2015, in the amount of \$112,264.56

Approval of Payroll for October 30, 2015, in the amount of \$411,053.88

In Re: Public Hearing

Mr. Whittington stated that Staff recommended the Board of Supervisors go into Public Hearing to solicit public comments regarding the Proposed Radium Road Resolution Directing the Acquisition by Condemnation of Radium Road and a Zoning Matter - SP-7-15, Adams Construction Company.

Supervisor Ferguson moved, seconded by Supervisor Lee, to go into Public Hearing. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Proposed Radium Road Condemnation Regarding a Portion of Real Property Belong to Sherman Easter

Mr. Lin Pope, Director of Planning addressed the Board of Supervisors stating that it was discovered that there were at least 15 heirs regarding the property and the whereabouts and identities of the owners of the property were unknown. He stated that Staff felt that it was quicker to go through the condemnation process to secure the property for the road improvements to Radium Road.

Mr. Whittington asked if there were any questions from the public or Board of Supervisors regarding the property belonging to Mr. Sherman Easter. There were none.

In Re: Zoning Matter – SP-7-15, Adams Construction Company

Mr. Pope stated that Adams Construction was seeking a Public Use Permit to set up an asphalt plant on property owned by Vulcan Lands Inc. located 915' northwest of I-95 North/Moores Ferry Road (State Route 629 intersection, in Election District Two. He stated that the Planning Commission recommended approval.

Mr. Whittington asked if there were any public comments regarding SP-7-15. There were none.

In Re: Return to Regular Session

Supervisor Ferguson moved, seconded by Supervisor Lee, to return to Regular Session.
Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Approval of Radium Road Condemnation Resolution #16-60

Mr. Whittington stated that Staff recommended approval of the following Resolution #16-60 regarding the Radium Road Condemnation.

RESOLUTION #16-60 OF THE BOARD OF SUPERVISORS OF GREENSVILLE COUNTY, VIRGINIA, ON BEHALF OF GREENSVILLE COUNTY, VIRGINIA, TO AUTHORIZE CONDEMNATION FOR PUBLIC USE AND TO ENTER AND TAKE FEE SIMPLE INTEREST AND TEMPORARY CONSTRUCTION EASEMENT IN REAL PROPERTY IDENTIFIED AS TAX MAP NO. 18-22

RECITALS:

WHEREAS, Radium Road (State Route 620) is being expanded and improved to serve public purposes (the “Project”).

WHEREAS, the expansion and improvement of Radium Road (SR 620) requires Greenville County (the “County”) to acquire real estate, part of which the County has already acquired.

WHEREAS, the additional property interests required for the Project are described as follows (the “Property”):

1. Fee simple title to a 0.010 acre portion of real property identified as Tax Map Parcel No. 18-22, situate in Belfield Magisterial District, and titled in the names of Sherman C. Easter, et als.
2. Temporary construction easement traversing a 0.111 acre portion of real property identified as Tax Map Parcel No. 18-22, situate in Belfield Magisterial District, and titled in the names of Sherman C. Easter, et als.

WHEREAS, Tax Map Parcel No. 18-22 is owned by Sherman C. Easter, N. Hill Easter, Ruffin Edwards, Wayland Callis Edwards and Rebecca Hill Lewis;

WHEREAS, the County’s negotiations with Sherman C. Easter for the purchase of his interest (11/15) in Tax Map Parcel No. 18-22 have been unsuccessful;

WHEREAS, the County has been unable to locate N. Hill Easter, and has therefore been unable to negotiate for purchase of her interest (1/15) in Tax Map Parcel No. 18-22;

WHEREAS, according to the County's investigation, Ruffin Edwards is deceased and his interest (1/15) in Tax Map Parcel No. 18-22 is currently owned by fifteen (15) heirs;

WHEREAS, according to the County's investigation, Wayland Callis Edwards is deceased and the current owners of his interest (1/15) in Tax Map Parcel No. 18-22 are unknown;

WHEREAS, according to the County's investigation, Rebecca Hill Lewis is deceased and the current owners of her interest (1/15) in Tax Map Parcel No. 18-22 are unknown;

WHEREAS, despite performing a title search and despite exercising due diligence, the County has been unable to identify and/or locate all of the owners of Tax Map Parcel No. 18-22, and therefore has been unable to reach agreement with all of the owners on compensation and damages to be paid or other terms of the purchase or settlement with respect to the needed portions of Tax Map Parcel No. 18-22;

WHEREAS, based on the County's acquisition of other properties in the area in connection with the project, and considering the assessed value of the property, the County believes the property value is \$8,000 per acre. Based on the area taken, the value of the property, and the absence of any damages to the remainder of Tax Map Parcel No. 18-28, the County offers the owners of Tax Map Parcel No. 18-22 the sum of \$968.00 as compensation and/or damages, if any, for the property taken in fee simple and the temporary construction easement;

WHEREAS, the property interests are necessary for the development of public roads, and the County is authorized to condemn property for public road construction by Va. Code Ann. §§ 15.2-1901.1 and 15.2-1902(1) and to institute and conduct condemnation proceedings under Chapter 3 of Title 25.1 of the Code of Virginia, following adoption of a resolution after conducting a public hearing meeting the requirements of Va. Code Ann. § 15.2-1905; and

WHEREAS, after proper publication of notice, a public hearing was conducted to consider the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Greensville County, Virginia, (the "Board"), as follows:

1. This Resolution incorporates the Recitals stated above.
2. The Board declares its intent to enter and take the property interests as necessary for the purpose of expanding and improving a public road, namely Radium Road (State Route 620), prior to the conclusion of condemnation proceedings instituted under Va. Code Ann. § 25.1-300, et seq., and for all other purposes incidental thereto.
3. The Radium Road Project is subject to specific financing and other scheduling requirements. The County must be able to enter and take the property interests to enable road construction prior to completing condemnation proceedings, because financing and

other scheduling requirements require the County to proceed with the award of construction contracts earlier than said condemnation proceedings can be completed.

4. Based on the County's acquisition of other properties in the area in connection with the Project, and considering the assessed value of the parcels, the area taken, and the absence of any damages to the remainder of the parcels, the Board concludes that the property taken in fee simple from Tax Map Parcel No. 18-22 and the temporary construction easement traversing a portion of Tax Map Parcel No. 18-22 has a value of \$968.00, as compensation and/or damages, if any.
5. The County offers the owners of Tax Map Parcel No. 18-22 the sum of \$968.00 as compensation and/or damages, if any, for the property taken in fee simple and the temporary construction easement.
6. The County has or will make a bona fide effort to purchase the property interests from any of the owners that can be identified or located. Because some of the owners cannot be identified or located, a bona fide effort to purchase all of the interests in the property cannot be made.
7. The Board approves the condemnation and acquisition of the property interests which are necessary and incidental to the expansion and improvement of a roadway for public use as authorized by Va. Code Ann. § 15.2-1904.
8. The Board certifies that this acquisition has been reviewed by the County for purposes of complying with Va. Code Ann. § 1-219.1.
9. The Board directs the County Attorney, and, to the extent necessary, the Chairman or Vice Chairman of the Board, or the County Administrator, to complete the procedure and prepare and execute any necessary documents, in order to acquire the property interests, including filing a condemnation petition to initiate the condemnation action in the Board's name, payment of the offer amount into the Greenville County Circuit Court, filing a Certificate of Take, and any other necessary actions in accordance with the procedures of Chapter 3 of Title 25.1 of the Code of Virginia.
10. This Resolution shall be effective upon its adoption.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve Resolution #16-60.
Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Approval of SP-7-15 – Adams Construction Company

Mr. Whittington stated that Staff was requesting approval of Zoning Matter SP-7-15 with the following conditions.

1. Special Use Permit is granted to Adams Construction Co. for the establishment of a portable asphalt plant located on Greenville County Ta Map 44, Parcel 9.

2. Applicant shall develop and maintain the property in accordance with all applicable local, state, and federal rules, regulations, ordinances, and laws with specific reference to DEQ.
3. Applicant shall provide the County with copies of all federal and state permits.
4. All areas of the construction site/stock pile area and access road shall be maintained as applicant specified in their application.
5. Operation of the plant shall not exceed the limits set forth by the Code of Greenville County, Chapter 15, Article II.
6. Appropriate signage subject to VDOT approval shall be erected on/along I-95 ramps and Route 29 indicating truck traffic. The location of the signs is subject to VDOT approval.
7. Failure to abide by the above conditions may result in the revocation of this Special Use Permit.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve Zoning Matter, SP-7-15. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Citizens Comments

Mr. Whittington addressed the public stating that anyone wishing to address the Board of Supervisors to please come forward and state their name and address for the record.

Mr. Scott Thompson, Regional Vice-President of Adams Construction, addressed the Board of Supervisors and thanked them for their consideration regarding the Zoning Matter.

In Re: Resolution #16-61 – VDOT's FY2017 Revenue Sharing Program

Mrs. Brenda Parson, Deputy County Administrator, addressed the Board of Supervisors stating that a resolution was required for the submittal of an application for the allocation of funds from VDOT for the FY2016-2017 year. She stated that Staff was requesting funds up to \$397,317.00 to complete the Otterdam Road project which included the widening of the two lane undivided industrial width road. She also stated that the application had been submitted and the resolution followed as part of the process. She further stated that the resolution would also authorize Mr. Whittington to execute the project's administration agreements for the revenue sharing project. She then requested approval of the following resolution:

RESOLUTION # 16 -61
VIRGINIA DEPARTMENT OF TRANSPORTATION
FY2017 REVENUE SHARING PROGRAM

WHEREAS, the Greensville County Board of Supervisors desires to submit an application for an allocation of funds of up to \$397,317 through the Virginia Department of Transportation Fiscal Year 2016-17, Revenue Sharing Program; and

WHEREAS, \$397,317 of these funds are requested to fund the expansion of Otterdam Road to a two lane, undivided industrial width road; and

NOW, THEREFORE, BE IT RESOLVED THAT, Greensville County Board of Supervisors hereby supports this application for an allocation of \$397,317 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT, the Greensville County Board of Supervisors hereby grants authority for the County Administrator, K. David Whittington, to execute project administration agreements for any approved revenue sharing projects.

Supervisor Lee moved, seconded by Supervisor Ferguson, to approve Resolution #16-61. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Animal Control Recommended Policies and Procedures

Mr. Reggie Owens, Program Administrator, addressed the Board of Supervisors stating that Staff drafted a Policies and Procedures Manual for the operation of the Animal Shelter. He stated that it was distributed to the committee selected which included the County Administrator, the Deputy County Administrator, himself, Mrs. Holly Collins, Kelly Swenson and Nikki Norton. He also stated that Staff was requesting the Board of Supervisors consider the adoption of the Manual to help coordinate the daily duties of the Animal Control Officers (ACO), as well as the interactions with other agencies and volunteer workers that wanted to help find homes for the animals. He further stated that one of the recommendations that Staff was requesting was the consideration of an increase in the Part-time ACO's hours from 8:00 a.m.-12:00 p.m. daily to 8:00 a.m. to 1:00 p.m. He then stated that this would allow for the shelter to be open to the public from 10:00 a.m. to 1:00, giving an additional hour per day or five hours per week. Mr. Owens stated that the request would have an operational cost of approximately \$4,200 per year that would be added in the part-time salary line item, if approved. He also stated that if the policy was adopted, Staff requested that the input of the two statements drafted by Mrs. Collins be added to the liability waiver which would exclude heirs from bringing suit against the County and also notify those individuals that they had the right to seek counsel before entering an agreement such as the waiver of liability. He then stated that Staff requested approval of the Policies and Procedures Manual with the requested additions and asked if there were any questions. There were no questions.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve the Policies and Procedures Manual with the requested additions. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Miscellaneous Matters

Mr. Whittington stated that located in the Friday Memo were the Staff Work Programs and Departmental Reports for the Board's review and comments.

Chairman Wiley asked if there were any questions. There were none.

In Re: Adjournment

With there being no further business, Supervisor Lee moved, seconded by Supervisor Vaughan, to adjourn the meeting. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

Peggy R. Wiley, Chairman

K. David Whittington, Clerk